

Application No. 09/462,179
Attorney's Docket No. 022701-854

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants thank Examiner Patterson of the U.S. Patent and Trademark Office for his time and consideration in participating in an Interview with Applicants' representative on February 19, 2004. The Interview Summary accurately reflects the substance of the Interview.

During the interview, Applicants' representative discussed amending claim 1 to recite that the claimed external layer is the outermost layer of the claimed structure. The Examiner agreed that such amendment would likely distinguish claim 1 from U.S. Patent No. 5,219,003 (*Kerschbaumer*). The Examiner also agreed to consider such amendment at this stage of prosecution.

By the above amendments, claim 1 has been amended for clarification purposes to recite that the external layer is the outermost layer of the multilayer structure. Support for this amendment can be found at least in original claim 1 and the instant specification at page 5, lines 14-19, taken in connection with page 12, line 26 to page 13, line 10. As discussed above, the Examiner has agreed to consider the above amendment at this stage of prosecution.

Claim 1 has also been amended for readability purposes by replacing the phrase "at least one external layer" with "an external layer". Claim 1 has further been amended for readability purposes by replacing the phrase "second polymer or copolymer" with "second thermoplastic polyamide or copolyamide". Claim 3 has been amended for readability purposes by replacing the term "the said layer" with "the layer". Claim 25 has been amended

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for readability purposes by replacing the term "the at least one external layer" with "the external layer", consistent with the above amendment of claim 1. Entry of the above amendments is proper at least because they place the application either in condition for allowance of in better form for appeal. See M.P.E.P. §714.12.

Claims 1-12 and 19-26 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,219,003 (*Kerschbaumer*). Claim 13 stands rejected under 35 U.S.C. §103(a) as being obvious over *Kerschbaumer* in view of U.S. Patent No. 5,357,030 (*VanBuskirk et al*). Claims 14-18 stand rejected under 35 U.S.C. §103(a) as being obvious over *Kerschbaumer* in view of European Patent Document No. 0 646 627 (*EP '627*). Withdrawal of these rejections is respectfully requested for at least the following reasons.

Kerschbaumer discloses a multi-layered fuel line having an external layer consisting of impact resistance-modified types of polyamide which can contain plasticizer, and of a middle barrier layer consisting of a polyamide substantially free of impact resistance modifiers (col. 2, lines 28-33). *Kerschbaumer* also discloses that an internal layer of the tubing preferably consists of polyamide 6 (col. 2, lines 39 and 40).

Kerschbaumer does not disclose or suggest each feature of one aspect of the present invention as defined by claim 1. For example, *Kerschbaumer* does not disclose or suggest a multilayer structure comprising an external layer formed from a composition comprising as a polymer matrix the polyamide composition recited in claim 1, wherein the external layer is the outermost layer of the multilayer structure.

The Patent Office has asserted that the middle barrier layer disclosed by *Kerschbaumer* corresponds to the external layer of the claimed multilayer structure (Paper No. 21 at page 3). However, as discussed above, claim 1 has been amended to clarify that the external layer is the outermost layer of the claimed multilayer structure. By comparison, the

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middle barrier layer of *Kerschbaumer* is, quite clearly, the middle layer of *Kerschbaumer's* multi-layered fuel line. Simply put, the middle barrier layer of *Kerschbaumer* is, by definition, not the same as the external, outermost layer recited in claim 1. Moreover, one of ordinary skill in the art would not have been motivated to modify *Kerschbaumer* by using the middle barrier layer as the outermost layer of the multi-layered fuel line thereof.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness has been established with respect to *Kerschbaumer*.

VanBuskirk et al and *EP '627* fail to cure the above-described deficiencies of *Kerschbaumer*. In this regard, the Patent Office has relied on *VanBuskirk et al* for disclosing the addition of a chain extender to polyamide 6 for the purpose of improving the physical characteristics of the polyamide 6 (Paper No. 17 at page 5). In addition, the Patent Office has relied on *EP '627* for disclosing an acid-modified ultra low density polyethylene which is used as an impact modifier of polyamide 6 (Paper No. 17 at pages 5 and 6). However, like *Kerschbaumer*, the secondary applied documents do not disclose or suggest a multilayer structure comprising an external layer formed from a composition comprising as a polymer matrix the polyamide composition recited in claim 1, wherein the external layer is the outermost layer of the multilayer structure.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the above §103(a) rejections is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

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If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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